

**CALIFORNIA TEACHERS ASSOCIATION**

September 3, 2002

Karen Getman, Chairman
Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

Re: FPPC Regulation 18531.7

Dear Chairman Getman:

I am the Associate Executive Director for Governmental Relations of the California Teachers Association (CTA). I am writing concerning FPPC regulation 18531.7 adopted at the Commission's August 9, 2002 meeting. CTA has some very serious concerns with the regulation as adopted, particularly with respect to the definition of member.

The California Teachers Association is the state's largest representative of education employees. CTA represents over 320,000 teachers and other education employees of California schools, colleges and universities. CTA exists primarily to protect and advance the professional and economic interests of its members.

Members pay dues to belong to CTA. Once admitted, members are permitted to participate in the governance of CTA through a delegate selection process. This process permits every CTA member to elect delegates who attend four conferences annually of CTA. Over 700 delegates are elected. These delegates represent the rank and file members of CTA. The delegates elect the governing board of CTA, including its officers. These delegates also vote on any changes to the articles or bylaws. CTA members do not directly elect the governing board of CTA nor vote to change CTA's articles or bylaws.

As drafted, FPPC regulation 18531.7 does not recognize CTA's 320,000 members as members for purposes of Government Code section 85312. The regulation confines members to those persons who have the right to vote for the election of a director or directors or the right to vote on changes to the articles or bylaws. CTA members do not have that right. Instead, members elect delegates who perform these functions. As presently drafted the regulation recognizes only some 700 CTA members as members for purposes of section 85312.

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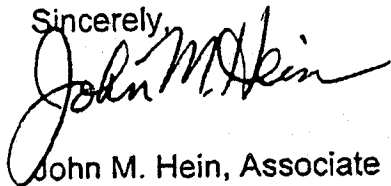
The purpose of section 85312 was to recognize the right of membership organizations such as CTA to communicate with its members, free of government regulation, regarding its views on political issues. The scope of section 85312 is broad and should not be limited as regulation 18531.7 presently does.

In fact, regulation 18531.7 stands in contrast to federal law which permits organizations such as CTA to communicate its political views to all 320,000 members even though corporations and unions are prohibited from otherwise influencing federal elections. To restrict the definition of member under California law, which does not otherwise limit corporations or unions from influencing state and local elections, makes no sense whatsoever.

CTA is also concerned with other aspects of regulation 18531.7. Section (e) would appear to conflict with the purpose of section 85312. The fact that CTA may consult a candidate regarding CTA's member communication program should not convert that effort into an in-kind contribution to the candidate, so long as it is CTA paying for the communication. In addition, it should not matter whether member communications are paid with general treasury funds or sponsored PAC funds. Both are accounts funded by members.

In summary, CTA urges the FPPC to amend its recently adopted regulation to address the issues raised in this letter. Thank you for your courteous consideration of our views.

Sincerely,



John M. Hein, Associate Executive Director
CALIFORNIA TEACHERS ASSOCIATION

JMH/mss